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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/797,581

03/10/2004

Robert L. Beck

3591-1377

4719

757 7590 06/04/2007
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EXAMINER

EPPS, TODD MICHAEL

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

06/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,581

Applicant(s)

BECK ET AL.

Examiner

Todd M. Epps

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3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28, and 48-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 27-28, 48-49, and 52-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the fourth Office Action for serial number 10/797,581, Computer Workstation With Moveable Monitor Support, filed on March 10, 2004.

Oath/Declaration

Oath / Declaration under 37 CFR 1.48 (a) submitted on December 21, 2006 has been considered and approved.

Claim Objections

Claim 49 is objected to because of the following informalities: line 2, "an top" should be changed to -- a top --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 48-49, and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 48 is rejected to because line 3, the phrase with "a monitor support rotatably and translatably coupled to said base structure" is not clear. The Examiner is not sure how the monitor support rotates since the drawings show that the monitor

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support moves in a horizontal direction; furthermore with lines 7-8, the phrase with "worksurface is rotatably with said monitor support" is not clear. The Examiner is not sure how the worksurface rotates since the drawings show that the worksurface moves in a horizontal direction; and furthermore with line 5, the phrase with "monitor support rotates about a horizontal axis" is not clear. The drawings do not show where the monitor support rotates about a horizontal axis. The drawings show that the gears / rollers do rotate about a horizontal axis.

Claims 49 and 54 are rejected as inherently depending on rejected claim 48.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 27-28, and 52-53 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,615,429 to Weil et al (Weil).

Weil '429 discloses a support device that can be used as a computer workstation (see figs 1-2) comprising: a base (24) comprising a first rack (136); a worksurface (74) moveably supported by the base and comprising a pinion gear (96) rotatably mounted thereto; a support that can be used as a monitor support (48) moveably supported by

the worksurface and comprising a second rack (not shown – col. 5, lines 19-23); wherein the pinion gear is disposed between and engages the first and second racks; further comprising at least one first support roller (98) interfacing between the worksurface and the base; and at least one second support roller (108, 110) interfacing between the support and the worksurface; wherein the worksurface is moveable in at least a horizontal direction (see fig. 3); and wherein the worksurface is further moveable in a vertical direction (with respect to the support).

Claims 48-49, and 54 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,615,429 to Weil et al (Weil).

Regarding claim 48, for the purpose of this office action, the Examiner assumes that the word “rotatably” is like moveably in a horizontal direction (i.e. slide). See the 112 rejection above.

Weil '429 discloses a device support that can be used as a computer workstation (see figs 1-2) comprising: a base structure (24); a support that can be used as a monitor support (48) moveably coupled to the base structure and a worksurface (74) connected to the monitor support; further comprising a X-Ray that can be used as a monitor (160) supported on the support; wherein the X-Ray having a top, front reference point and said worksurface having a front edge, wherein the reference point moves a first horizontal distance as the support translated between said the first and second positions, and wherein the front edge moves a second horizontal distance as the support is translated between the first and second positions, wherein the first horizontal

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distance is greater than the second horizontal distance; and wherein the worksurface is translatable in at least a horizontal direction.

Allowable Subject Matter

Claims 1-26 are allowed.

Regarding claim 1, the prior art fails to disclose a computer workstation in combination wherein a worksurface moveable a first distance in a fore-and-aft direction between first and second worksurface positions: a monitor support coupled to a worksurface, wherein at least one of worksurface and the monitor support is automatically moveable in response to a movement of the other of the worksurface and monitor support, wherein the monitor support is automatically moveable a second distance in a fore-and-aft direction between first and second monitor position in response to the worksurface being moved first distance between the first and second worksurface positions.

Claims 50-51 are allowed.

Regarding claim 50, the prior art fails to disclose a computer workstation in combination wherein a worksurface moveable a first distance between first and second worksurface positions, wherein the worksurface is moveable in at least a horizontal direction; and a monitor support coupled to the worksurface, wherein at least one of the worksurface and the monitor support is automatically moveable in response to a movement of the other of the worksurface and the monitor support, wherein the monitor support is moveable a second distance between first and second monitor positions as

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the worksurface is moved the first distance between the first and second worksurface positions.

Response to Arguments

Applicant's arguments with respect to claims 27, and 48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd M. Epps
Patent Examiner
Art Unit 3632
May 25, 2007



Carl D. Friedman
Supervisory Patent Examiner
Group 3600